

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CHARLES RICE	:	22 - cv -
Petitioner,	:	
v.	:	
	:	
TOM McGINLEY,	:	
Sup't SCI Coal Twp.	:	
Respondent.	:	
	:	
	:	

**APPENDIX TO PETITIONER'S PETITION FOR A
WRIT OF HABEAS CORPUS AND CONSOLIDATED
MEMORANDUM OF LAW, PURSUANT TO 28 U.S.C. §2254**

Karl Schwartz
Wiseman & Schwartz, LLP
718 Arch Street, Suite 702 North
Philadelphia, PA 19106
(215) 360-3988
schwartz@wisemanschwartz.com

Counsel for Petitioner
Charles Rice

Dated: December 21, 2022
Philadelphia, PA

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***This memo is to be emailed to the Unit Chief. It should never be placed in trial file.**

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Rice/Linder

This shooting: 9/25/2011 at 9:35 p.m.

- Two defendants (CJ Rice and Tyler Linder)
- Four Victims
 - Denean Thomas (6 years old-passed away)
 - Khalief Ladson (not cooperating)
 - Latoya Lane (23 years old-told detectives that she saw two males, but could only ID the male she was looking at-Tyler Linder)
 - Latrice Johnson (35 years old- told detectives that she saw two males, but could only ID the male she was looking at-Charles Rice)

Additional facts: Victims could not tell the police at the scene who did the shooting. At the hospital a day later both victims gave a statement ID'ing the defendants. Both victims have known the defendants for a long time. Officers recover FCC's at the scene.

Motive:

On 9/3/2011, defendant Rice was riding his bike with Linder when a vehicle pulled up and opened fire. Rice was hit in the hip and butt.

- Sole Suspect: Khalief Ladson
- Rice, Linder, Ladson all refused to cooperate
- 5th Street v 7th Street

Problems:

- ID-victims both can ID only one of the two defendants and they do not tell police/nurses immediately who shot them
- Rice is going to have a doctor testify that he could not have done the shooting, because of his prior gunshot wounds. Other medical evidence can be used to disprove that. Rice's alibi witnesses have never cooperated with our office.

Alibi issues: BIG PROBLEM for Tyler Linder

- On 9/27/2011: Tyler Linder gave a statement to Detective Johnson saying that he was working for his mom at the time of the shooting
- On 9/27/2011: Tyler Linder's mom gave a statement to Detective Vega concerning his son's whereabouts at the time of the shooting. (says that they got home around 11:00 p.m.)
- On 9/27/2011: Tyler Linder's mom gave a second statement to Detective Vega after they viewed the video of the store.
- On 9/27/2011: Tyler Linder's little brother gave a statement to Detective Spadaccini.

University of Pennsylvania Health System
EMTRAC
Electronic Patient Record
(Original record archived in UPHS Department of Emergency Medicine)
Hospital of the University of Pennsylvania
Emergency Medicine Department

JOHNSON, LATRICE		DOB: [REDACTED]
[REDACTED]		Gender: [REDACTED]
[REDACTED]		SSN: [REDACTED]
[REDACTED]		MRN: [REDACTED]
[REDACTED]		EMPID: [REDACTED]
Home tel: [REDACTED]	EM Con tel: [REDACTED]	PP: [REDACTED]
[REDACTED]		PP tel: [REDACTED]
[REDACTED]		PP fax: [REDACTED]

Emergency Medicine Department

1-Attending

09/25 22:55 David Lambert MD

09/25 22:55 -

I supervised care, housestaff, and any procedures. I performed a history and physical on the patient. I spoke with the housestaff and discussed their history, physical examination, assessment, and plan and agree with them. I reviewed the housestaff's note and agree with the documented findings and plan of care.

Briefly -> This is a [REDACTED] w/ c/o multiple GSW's to B/L lower extremities immediately pta. Pt arrived ambulatory. She denies numbness/weakness to feet or significant swelling. Details of shooting are unclear. Pt reports sitting on porch, heard shots then felt wounds. No other injuries or c/o.

PMHx/PSHx/SHx/FHx/Meds- as per HPI/HO/triage notes (reviewed)

ROS -> as per HPI, o/w negative in detail

On Exam ->

VS reviewed

gen: well appearing in no distress, aaox3

ext: pulses equal x4 ,no cce, mae x4, soft compartments ble's

neuro: nonfocal

skin: multiple small 3-5mm gsw wounds to b/l lower ext w/ good palpable pulses no active bleeding, palpable shrapnel in various wounds

Severity:

Moderate

IMP:

Multiple GSW's

Dispo:

Pending - pt signed out to oncoming MD at 11pm

Trauma consult obtained and pt seen along w/ Dr. Kim

09/25 22:55 Discharge condition

Stable

09/28 11:34 Robert Neumar MD

09/28 11:34 -

Assumed care from Dr. Lambert at 2300 shift change. Case discussed and chart reviewed.

[REDACTED] with multiple skin wounds to lower extremities associated with gunshots. Differential includes shotgun wounds vs. flying debris. T-surg consulted. Plan ABIs, x-rays, tetanus booster, wound management.

Re-eval: Pt resting comfortably on stretcher. States she was sitting on front porch, heard shooting, ran into house and felt [REDACTED] buring in her legs. Note multiple would both lower extremities. Denies other injuries. Denies sensory or motor dysfunction. Ambulating without difficulty.

Multiple 2-3 mm wound in bilateral lower extremities. Full ROM without pain. No sensory or motor dysfunction.

X-rays: No fx or foreing bodies detected.

First Judicial District of Pennsylvania

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51CR00414022011...

Charles Rice

Preliminary Hearing Volume I
December 09, 2011



First Judicial District of Pennsylvania
100 South Broad Street, Second Floor
Philadelphia, PA 19110
(215) 683-8000 FAX:(215) 683-8005

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